

Application Number 09/809,654  
Response to Office Action mailed June 4, 2004

## REMARKS

This is a Response to the Office Action dated June 4, 2004. Applicant has not made any amendments by way of this communication. Claims 1-46 remain pending in their original form.

### Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-6, 15-21, 30-31, 35-37, and 46 under 35 U.S.C. § 102(b) as being anticipated by Hill et al. (US 6,023,714). Applicant respectfully traverses the rejection. Hill et al. fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. § 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Hill et al. fails to teach or suggest formulating a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client on a computer network and communicating the text file via the computer network, as recited by Applicant's independent claim 1.

Likewise, Hill et al. fails to teach or suggest a computer-readable medium containing instructions that cause a programmable processor to formulate a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client on a computer network, as recited by Applicant's independent claim 16.

In addition, Hill et al. fails to disclose a system comprising a color correction module that formulates a text file containing color commands for presentation of objects within a web page for a web page based on a color response of a display device, as recited by Applicant's independent claim 31.

In general, the claimed invention formulates a text file containing color commands for presentation of objects within a web page based on the color response of a particular display device. In this manner, text files can be used to customize web content to compensate for color response differences among different display devices. By formulating text files according to specific color response characteristics, the claimed invention permits assignment of more accurate color values to web page objects.

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For example, web pages communicated to individual clients reference the style sheets formulated for display devices associated with those clients, and thereby assign customized colors to the objects within the page, promoting increased color accuracy. In particular, the colors of the displayed web page objects can be made to more accurately match the colors of the objects as originally intended.

Hill et al. makes no mention of the formulation of a style sheet based on a color response of a display device. In contrast, Hill et al. describes a layout generator [300] that generates style definitions based on the capabilities of a display device instead of a color response of the display device. Column 9, lines 64-67. More specifically, the layout generator [300] interrogates the display device to determine the capabilities of an output device and generates one or more style definitions based on the response to the interrogation.

The capabilities of the display device identified by the layout generator include resolution, aspect ratio, physical size of the display, physical size of the browser window, color depth, color palette and supported fonts. Column 10, lines 22-26. The display device capabilities contemplated by Hill et al. do not relate to the color response of the display device, as claimed. Rather, such capabilities relate to static technical specifications of a display device, rather than color response characteristics representing the actual, physical output of the display device.

Selection of style sheets according to technical specification of a display device, per Hill et al., is fundamentally different than formulating a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client. A color response of a device is distinct from a color palette, color depth or other color capability of a device. A color palette of a display device is simply the range of colors available to be applied to elements on a page. Similarly, the color depth of a display device refers to the number of variations of color that can be displayed by device. Neither of these characteristics represents a color response, which indicates the output of a display device in response to particular color input. Hence, two display devices with the same color capabilities, per Hill et al., may have different color responses. The claimed invention formulates a text file containing color commands for presentation of objects within a web page based on such a color response. Consequently, Hill et al. fails to teach or suggest the subject matter of independent claims 1, 16 and 31 which require formulating a text file containing color commands for

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presentation of objects within a web page based on the color response of the device associated with the client.

Notably, with respect to claim 31, Hill et al. makes no mention of color correction or a color correction module. Therefore, claims 31-46 are patentable over Hill et al. in view of this additional difference.

For at least these reasons, the Hill et al. reference cannot support a *prima facie* case for anticipation of Applicant's claims 1-6, 15-21, 30-31, 35-37, and 46 under 35 U.S.C. § 102(b). Withdrawal of these rejections is requested.

#### Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 7, 8, 22, 23, 32-34, and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. (US 6,023,714) and rejected claims 9-14, 24-29, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. (US 6,023,714) in view of Bernard et al. (WO 00/29935). Applicant respectfully traverses the rejections.

#### *Claims 7, 8, 22, 23, 32-34, 38 and 39*

Applicant respectfully traverses the rejection of claims 7, 8, 22, 23, 32-34, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. Claims 7 and 8 are dependent on claim 1, claims 22 and 23 are dependent on claim 16, and claims 32-34, 38 and 39 are dependent on claim 31. Hill et al. fails to disclose or suggest the requirements of independent claims 1, 16 and 31 for at least the reasons stated previously in this Amendment and, are therefore in condition for allowance. Thus, dependent claims 9-14, 24-29, and 40-45 are also in condition for allowance. Withdrawal of this rejection is requested.

#### *Claims 9-14, 24-29, and 40-45*

Applicant respectfully traverses the rejection of claims 9-14, 24-29, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. in view of Bernard et al. Claims 9-14 are dependent on claim 1, claims 24-29 are dependent on claim 16, and claims 40-45 are dependent on claim 31. Hill et al. fails to disclose or suggest the requirements of independent claims 1, 16

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and 31 for at least the reasons stated previously in this Amendment. Bernard et al. provides no teaching sufficient to cure the basic deficiencies described above with respect to Hill et al. Therefore, claims 9-14, 24-29, and 40-45 are also in condition for allowance. Withdrawal of this rejection is requested.

**Rejection for Obviousness-type Double Patenting:**

The Examiner also provisionally rejected claims 1-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-46 of commonly owned copending Application No. 09/808,850 ("850 application"). Applicant respectfully defers a response to this provisional rejection until issuance of the '850 application.

**CONCLUSION**

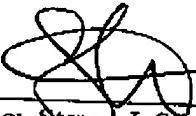
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

9-3-04

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